



**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**

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**Board of Health Meeting Minutes**  
**Wednesday, February 1, 2017**  
**BOH Conference Room**  
**Arlington Senior Center**  
**5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Dr. Kevin Fallon, Mr. Kenneth Kohlberg

Staff in Attendance: Christine Bongiorno, Director, Natasha Waden, Health Compliance Officer, Kylee Sullivan, Health Compliance Officer, Charlotte Gray, Public Health Associate

Others in Attendance: Amy Wyllie; Karen Thomas-Alyea

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

**Meeting called to order by Dr. Marie Walsh Condon at 5:32 pm.**

Inspector Waden introduced Ms. Charlotte Gray to the Board and informed them that Ms. Gray began working with the Health Department on January 9, 2017 and is the new Public Health Associate from Northeastern University. Ms. Gray is a 4<sup>th</sup> year student and is studying Health Sciences.

**A Motion** was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon, to accept the December 7, 2016 meeting minutes as submitted.

**Vote:** Motion approved unanimously (3 - 0)

**Discussion: FY18 Budget**

Ms. Bongiorno, Director of Health & Human Services, informed the Board that she anticipates a restructuring/reorganization of the Department in FY18, including re-establishing the vacant position of the Public Health Director. Ms. Bongiorno informed the Board that she has held the role of both Director of Health & Human Services, as well as Public Health Director for the past 10 years. The Department of Health and Human Services includes: Board of Health, Council on Aging, Veteran's Services, Arlington Youth Counseling Center, and the Arlington Youth Health and Safety Coalition. She informed the Board that the Project Manager position will be replaced with the Public Health Director position at the end of FY17. The job description for Public Health Director is currently being crafted. The reorganization plan will go before Town Meeting this spring, and if approved, will be implemented effective July 1, 2017.

## **Discussion: Marijuana (Medical and Recreational)**

Director Bongiorno informed the Board she met with two attorneys representing the Medical Marijuana Dispensary that is hoping to open in July at 11 Water Street. Based on discussions it was determined that permitting will most likely be pushed back until September or October. Ms. Bongiorno stated that in those discussions she informed the attorneys that at the December 7, 2016 meeting, the Board of Health unanimously voted to recommend that the Town Opt-Out of allowing recreational marijuana sales within the Town of Arlington. Ms. Bongiorno stated there is movement at the state level, and she has been in touch with Mr. Doug Heim, Arlington Town Counsel, who has been in touch with the Attorney General's office to determine how to proceed with an Opt-Out procedure once determined. Possibilities could include a ballot question to all voters, and/or a town meeting vote. She further stated, there is not a lot to do locally at this time until the Attorney General's office sorts out the details, and will keep the Board updated. Dr. Fallon inquired if there were any Warrant Articles before Town Meeting related to this subject, and Ms. Bongiorno stated not from the Town, however a Warrant Article was submitted by a resident related to medical marijuana dispensaries. Ms. Bongiorno stated she anticipates an additional Town Meeting will be scheduled in the Fall of 2017.

Ms. Karen Thomas-Alyea was in attendance at the meeting and asked if she could address the Warrant Article submitted by 10 registered voters. She stated the Warrant Article was submitted to clean up some language to validate the 500 feet buffer zone for Medical Marijuana Dispensaries. She stated that a Pre-School was located within 500 feet of the proposed dispensary at 11 Water Street for over 2 years. However, at the time that the facility approached the town the building was under a 10 month renovation period to make it ADA compliant, and was vacant. A pre-school is back in the original location, but because the request to facilitate a medical marijuana dispensary was received during that vacant time-frame, the proposed RMD it does not need to abide by the 500 feet buffer zone related to schools.

Ms. Thomas-Alyea inquired if the Dispensary could be held liable for any disorderly conduct, or conduct that could cause harm by its patrons. She provided an example of an impaired consumer dropping "edibles" in the hallway of a pediatricians office, or someone extremely high or impaired lying on the sidewalk near a school or library. She inquired if the town could implement fines to the establishment for the conduct of their consumers. Mr. Kenneth Kohlberg stated that with any business, if the business was found to be negligent in its service, they could be held liable. He stated they could only be held responsible for patrons if the establishment was found to be negligent in their duties. In example he stated if a bar continued to serve liquor to a severely impaired person, and the person left and caused harm to another, the bar could potentially be held liable. He stated that the current regulations are on line and may address some of the concerns raised. It was further stated that the facility will be working with the police to monitor the area surrounding the dispensary. Additionally, the Board has the ability to rescind a permit if violations occur.

Dr. Walsh Condon referenced a memo provided from the Massachusetts Health Officers Association to Governor Baker regarding the passage of Ballot Question 4 which she thought was very impressive and had some areas that may be applicable to Arlington. In particular the recommendations regarding Opt-In vs Opt-Out, restrictions on marijuana edible products, such as candy (i.e. gummy bears) and soda that clearly attract children, as well as the language on taxation which would increase the tax, and provide 5% back to towns.

It was stated that not all towns have regulated medical marijuana facilities, and Arlington is one of the first. As discussions continue and new ideas and recommendations are generated, the Board can update the regulations as needed.

#### **Discussion: Town Meeting Warrant Articles (Tabled and Revisited)**

Ms. Bongiorno informed the Board of 2 Warrant Articles going before Town Meeting related to the Board of Health.

The first Warrant Article is related to the Noise Bylaw. Areas being looked at include maximum decibel levels, area/distance in which measurements are taken, and static noise. This Article is a result of recent construction projects that required jackhammering and piledriving methods to eliminate large amounts of rock and ledge. Ms. Bongiorno stated there are many experts within the community who have offered to work on this community agreement, after a previous Warrant Article was defeated last year. Additionally, Assistant Town Manager, Jim Feeney, will be working with the Committee to review regulations of other communities to put forward recommendations for Arlington. Ms. Bongiorno would like the Board to review the recommendations prior to Town Meeting, and requested the Board schedule an additional BOH meeting for March 15<sup>th</sup> at 5:30 pm. The Board unanimously agreed, and the requested meeting was scheduled.

The second Warrant Article has been submitted by the Treasurer which would allow Board of Health fines to be written into liens on properties within town. This would provide some “teeth” to the Board of Health in compliance issues or collecting fines against property owners who do not comply with orders to correct.

#### **Environmental Updates (moved to Agenda Item IV):**

Inspector Waden informed the Board that 4 housing court cases are scheduled for Wednesday February 8<sup>th</sup>.

- One lead case will be dismissed
- One lead case will proceed
- One East Arlington condemned property will move forward in court, and then be referred to the Attorney General’s Blighted Property Initiative
- One East Arlington case will be heard before the court

Ms. Waden informed the Board that the Department is continuing their efforts regarding rodent activity throughout town. She stated it is unfortunate that dry ice methods can no longer be used due to orders from the Environmental Protection Agency because it is not a registered rodenticide. She informed the Board that when complaints come in letters are sent to neighbors/abutters with information about rodent activity in the area, and steps they can take to protect their property. Additionally, the Department of Public Works is notified, and in some instances the sewers can be baited, however, it is hard to monitor the effectiveness as to whether the bait is taken, or if it is washed away by heavy rains. Waltham Pest Control will be working with the Town to monitor some public areas such as the bike path area behind Trader Joe’s.

A resident who was in attendance, Ms. Amy Wyllie, addressed the Board and asked if there is anything else that can be done, especially regarding increased rodent activity due to construction, dumpsters, and a problem property

in her neighborhood. Ms. Wyllie provided pictures of several rat burrows, and stated she has daily activity of rodents “crossing through” her property in the vicinity of Swan Street, Pleasant St., Kickstand Café, and the Bike Path in Arlington Center. She stated there is much construction, several dumpsters being moved, and a neighbor has several dogs (6-7), many of which are fed outside which provides food for the rodents. She reported the neighbor’s yard also has a lot of dog feces and many harborage areas for rodents as well. Inspectors Waden and Sullivan, stated that they had received a complaint from Ms. Wyllie and had been out to the property 2-3 times, with the most recent visit being earlier in the day. They will continue efforts to contact the owner of the abutting property and work with them to address some of the issues raised. Additionally, Ms. Waden will contact the town Animal Control Officer regarding the number of dogs. Ms. Wyllie stated she granted access to the Board of Health Inspectors to go on her property during a recent visit, and also noted she is taking steps to try to protect her property with bait boxes and snap traps, but the rodent activity is heavy, and happens daily.

Ms. Waden informed the Board that in 2016 there were 609 nuisance inspections conducted, which was a 50% increase from 2015.

### **Restaurant Updates**

Inspector Waden informed the Board that:

- 186 Food Permits were issued at the start of the Calendar Year 2017
- 341 Food Permits were issued in 2016 (which included Temporary Food Permits and the Farmers Market)
- 490 Food Inspections were conducted in 2016
- Sabatinos may re-open, but to date no paperwork has been submitted
- Digumms remains closed

### **Plan Reviews**

- Classic Café – Change of Ownership
- Ninas Trattoria will be opening soon (former site of Jimmy’s Pizza)
- Café Nero will be opening next month
- Sweet Chile is closed and Noodle Market, a new food establishment, will be opening at this location
- Art Lounge (Contacted by a group inquiring about using the kitchen area at the Art Lounge to make Granola with the possibility of opening a small café in this location)

### **Public Health Nurse Updates**

Nothing to report.

### **Public Comment**

None.

**Meeting was adjourned at 6:33 pm.**